

REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks is respectfully requested. Upon entry of this Amendment, claims 5-7, 11, 12, 16, and 21-35 will be pending in the present application. Claims 1-4, 8-10, and 13-15, 17-20 have been cancelled. No claims have been withdrawn from consideration

Claims 1, 3, 8-10, and 17-19 stand rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 4,899,904 to Dooley (“the ‘904 patent”). Claims 1, 3, 8-10, and 17-19 have been cancelled. Removal of this rejection is requested.

Claims 1 and 2 stand rejected under 35 U.S.C. § 1-2 as being anticipated by U.S. Patent No. 6,305,299 to Ragland (“the ‘299 patent”). Claims 1 and 2 have been cancelled. Removal of this rejection is requested.

Claim 4 stands rejected under 35 U.S.C. § 103 as obvious over the ‘904 patent in light of the Examiner’s notice that it would be obvious to utilize polystyrene foam. Claim 4 has been cancelled. Removal of this rejection is requested.

Claims 5, 11, 13-16 and 20 stand rejected under 35 U.S.C. § 103 as obvious over the ‘904 patent in light of U.S. Patent No. 4,106,597 to Shook et al. (“the ‘597 patent”). Specifically, the Examiner concluded that Dooley discloses each feature of the Applicant’s invention except for the liner latch (claims 5 and 20), a recess on the underside of the lid (claim 11) and the shape/size of the cavities (claims 13-16). The Examiner concluded that Shook teaches each of these features except for the particular dimensions/configuration of the cavities (claims 13-16). The Examiner took notice that it is well know to provide cavities having three

different diameter portions to provide engagement with containers having different exterior dimensions.

The device disclosed in the '597 patent does not disclose a liner removably fitted within a container body. Instead, it discloses an internal hinged lid 28, or divider, and not a liner fitted within an insulating layer as in the present invention. Since the '597 patent does not have a liner, it certainly cannot disclose any liner latch.

Secondly, even if the Examiner concludes that the lid 28 can somehow be construed to be a liner fitted within an insulating layer, lid 28 cannot be removed from block 18. Lid 28 is hingedly attached along one edge of the block 18. As shown in Fig. 5, one embodiment of the present invention includes a pair of latches on opposite sides of the device. This allows the liner to be pulled straight up and out of the container body. In contrast, the '597 reference merely suggests using a single latching means between the attaché case and the lid 28 to hold the lid in a closed orientation. Since the '597 patent does not disclose at least two latches to removably secure said liner within said container body on oppositely disposed upstanding walls, this patent does not supplement the deficiency of the '904 patent as noted by the Examiner with respect to claim 5 and 20.

As amended, claims 5 and 20 recite that the liner includes "at least two latches to releasably secure the liner within the container body and that the latches are located on oppositely disposed upstanding walls. Accordingly, the Applicant contends that claim 5 and 20 as well as all claims dependent thereon are allowable. Reconsideration of this ground of rejection is requested.

The Examiner concluded that the '904 patent disclosed each and every limitation except for recesses on the underside of the lid and that the '597 patent teaches recesses. The '597 patent may teach recesses but they are not recesses on a lid, as claimed. The '597 patent discloses a plurality of recesses in block 18. Block 18 is a block of thermally insulating foam; it is an insulating layer and not a lid. As amended, claim 11 recites, among other things, that the present invention includes a liner having at least one coupling cavity.

Secondly, the '597 patent does not disclose a device capable of supporting an object in an approximately upright position by a cavity and a corresponding recess. As amended, Claim 11 recites that the lid comprises at least one recess formed in the lower surface and aligned with a corresponding coupling cavity such that when the lid is secured to the container body an object is supported in an approximately upright orientation. Neither the '597 nor '904 patent suggest use of a recess in the lid and a coupling cavity in a liner to support an object in an upright orientation. In light of the above, the Applicant contends that claim 11 as amended is now in a condition for allowance. Reconsideration of this rejection is requested.

Claims 13-15 were cancelled. Claim 16 was amended into independent form and includes a recitation that the recess has three adjacent portions wherein each successive cross-section is progressively smaller so that objects having at least three different outer diameters may be securely held within the recess. The Examiner took notice that it is well known to provide cavities with three different diameter portions. While it may be true that cavities having three different diameters may be known, what is not taught is an insulated container having a liner with three different diameters to hold an object having any one of three different

diameters. The present rejection is under 35 U.S.C. § 103 and not under 35 U.S.C. § 102. Since it is unclear what the Examiner is citing, the question remains whether this knowledge cited by the Examiner may be properly combinable with the '904 and '579 reference to render the present invention obvious. Accordingly reconsideration of this rejection is requested.

Claims 5-7 and 20 stand rejected under 35 U.S.C. § 103 as being unpatentable over the '904 patent in view of U.S. Patent No. 4,293,079 to Lytle ("the '079 patent") or U.S. Patent No. 3,971,360 to Spoeth ("the '360 patent").

The '079 reference discloses a receptacle for holding elongate members such as umbrellas and the like. The device has a square tubular body and a corresponding lid having a skirt configured to interlock with the square tubular body. First, diagonal faces 33 appear to engage bottom faces 34. However, these "latches" do not interconnect a removable liner. They interconnect the skirt of the lid with the frame of the body member.

One unique aspect of the present invention is the removable liner that may be securely engaged with the container. This feature of the invention allows the liner to be held securely in place to assist in maintaining the bottle or can in an upright orientation. However, it also may be easily removed and pulled upwardly out of the container body so that it may be washed to remove any contaminants. The cartridge of the '904 patent is bolted in place by screws 58. Dooley does not contemplate the unique advantage of a liner that is removable yet capable of being securely held in place by latches. The '079 patent does not supplement these deficiencies. It does not recognize that one problem with transporting bottles or cans is the potential for spillage and resulting collection of contaminants within the container. It does not

suggest the desirability of a liner, and it does not suggest a liner which may be removed. Even if properly combinable, the resulting device would be a beverage can storage device having a separate cover with a skirt that may be locked to a cooler. This is not what is recited in claim 5.

The '360 patent has a single engagement means which is disposed in the center of the liner 40. As in the comments noted above with respect to the '597 patent, this patent also does not disclose two latches on opposite sides of the device. While the liner of the '360 patent may be pulled straight up, it requires the user to manipulate a latch located on the bottom of the container. The '360 patent does not have two latches, and it doesn't have latches on oppositely disposed walls as recited in claim 5. Accordingly, claim 5 as well as dependent claims 6 and 7 are deemed allowable. Claim 20 has been cancelled. The Applicant requests reconsideration of this rejection.

Claims 11 and 12 are rejected under 35 U.S.C. § 103 under the '904 in light of U.S. Patent No. 2,496,296 to Lobl ("the '296 patent"). As noted above with respect to the rejection under the '904 patent in light of the '597 patent, the '296 patent also does not supplement the deficiencies of the '904 patent. The 296 patent does not have a liner with a coupling cavity and a recess formed in the lid aligned relative to the coupling cavity to retain an object in an approximately upright orientation.

Claim 12 is dependent on claim 11 and is allowable for the same reasons as claim 12. However, claim 12 also recites that the upper surface of the lid includes a domed portion sized to fit within a recess of an object. As such, the domed portion prevents the object from sliding around if placed on the upper surface of the lid. While the upper surface of the lid in the

'296 patent may have a domed portion, it is not sized to fit within the bottom portion of a beverage container. If anything, the large rounded upper surface of the lid shown in the '296 patent appears likely facilitate the can or bottle sliding off of the lid rather than retaining the object in place as shown in Fig. 3 of the present application.

The Applicant has also added new claims 21-35 to more fully protect the unique aspects of the present invention. Consideration and allowance of these newly presented claims is requested.

This response is being filed within the extended three-month statutory response period which expires on February 17, 2007. The enclosed check includes the fees for the amendment.

As all objections and rejections have been addressed, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is earnestly solicited.

Respectfully submitted,

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